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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,320	02/09/2005	Jean-Jacques Legat	47623-0005	6421
7590 Dickinson Wright 1901 L Street N W Suite 800 Washington, DC 20036		04/11/2007	EXAMINER ALAVI, ALI	
			ART UNIT	PAPER NUMBER
			2875	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/524,320	Applicant(s) LEGAT ET AL.	
	Examiner Ali Alavi	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Siemens (CH 457,623) or Zimmermann (DE 1298422).

Regarding claims 1-2 and 9, Siemens discloses a ceiling light apparatus (figs. 1-4) with an elongated light housing, comprising: a trough-shaped top part, said trough-shaped top part comprising a bracket (27) for holding at least one fluorescent tube, a holder and a clamp for an electrical ballast and a cable and a fastening element dements for anchoring the top part to a ceiling plate (col. 2, lines 4-20), and a transparent bottom part (32) pivotably connected to a longitudinal edge of the top part, said bottom part comprising detachable locking elements for connecting to the top part wherein the top part (1) and the bottom part (2) are injection molded in one piece from a

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hard-elastic plastic material (col. 4, lines 2-20), a frame with connecting ribs (11), said connecting ribs having extending transversely over the entire length and with a V-shaped cross-sectional profile (fig. 4).

Regarding claims 1-2 and 9, Zimmermann discloses a ceiling light apparatus (figs. 1-6) with an elongated light housing, comprising: a trough-shaped top part (2), said trough-shaped top part comprising a bracket (5) for holding at least one fluorescent tube (9), a holder and a clamp for an electrical ballast and a cable and a fastening element dement for anchoring the top part to a ceiling plate, and a transparent bottom part (1) pivotably (3) connected to a longitudinal edge of the top part, said bottom part comprising detachable locking elements for connecting to the top part wherein the top part (2) and the bottom part (1) are injection molded in one piece from a hard-elastic plastic material, (col. 1, lines 60-66, col. 2, lines 4-15) a frame (10) with connecting ribs (11), said connecting ribs having extending transversely over the entire length and with a V-shaped cross-sectional profile (figs 1, 2, and 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al (US Pat. No 4,580,200) in view of Hornun et al (US Pat. No 6,210,026).

Hess discloses a light apparatus with an elongated light housing, having a trough-shaped top part (1), said top part comprising: a bracket (11, fig. 2) for holding at least one fluorescent tube (col. 2, line 68), a holder (12) and a clamp (7) for an electrical ballast and cable, and a plurality of fastening elements for securing the top part (1) to a ceiling plate a transparent bottom part (2), said bottom part being pivotably connected to a first longitudinal edge of the top part (1), said bottom part comprising a plurality of detachable locking elements (4) for connecting to the top part (1), said locking elements comprising a hook shape on a frame (10) of the bottom part (2), wherein the locking elements engage a plurality of correspondingly sized recesses (14) formed in a second longitudinal edge of the top part when the bottom part (2) is pivoted into the top part (1), and a plurality of locking hooks (28, fig. 5), said locking hooks comprising spring pins (30, fig. 5) that are capable of being pressed together elastically and anchoring the top part in a recess (16) in a ceiling plate (17) adapted to the top part (1), a reflector (top part, abstract). Hess discloses the invention but doesn't exclusively express that the top part and bottom part are injection molded in one piece from a hard elastic material.

However, Hornung teaches that a light housing with a pivot elements that are made by injection molding and is made by one piece. Hornung further teaches that the manufacturing of the light housing would be advantageous because it is made of single extruded component. It would have been obvious to one of ordinary skill in the art to use the teaching of Hornung to make a light housing from a single extruded component by

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injection molding since it is more economical to produce and requires less labor to install.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bogdanovs (US Pat. No 5,172,976), and Tillson et al (US Pat. No 2,951,611) both teach a light fixture housing having a top part and a bottom part wherein the lamp bulb can be repaired without removing the bottom part.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Ali Alavi** whose telephone number is **(571) 272-2365**. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax at (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ALI ALAVI
PRIMARY EXAMINER